

***IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND***

***CASEY MULLINS, et al.***

\*

***Plaintiffs***

\*

***vs.***

\* ***Civil Action No.: 1-02-CV-1634***

***BALTIMORE CITY, MARYLAND, et al.***

\*

***Defendants***

\*

**RESPONSE TO DEFENDANT JAN ROLLON'S MOTION TO  
DISMISS/SUMMARY JUDGMENT**

The Plaintiffs, Casey Mullins, et al., through counsel, H. Jeffrey Tabb, responds to the Motion to Dismiss/Summary Judgment as follows:

1. The Plaintiff has *prima facie* evidence that the Defendant Jan Rollon participated in the assault and battery on the Plaintiffs.
2. Therefore, there is a question of fact for the jury to determine and the Defendant's Motion should be denied.

3. The memorandum is attached hereto.

Wherefore, the Plaintiffs, Casey and Jeremy Mullins respectfully request that this Honorable Court deny the Defendant's Motion to Dismiss and/or Motion for Summary Judgment.

*Respectfully submitted*

*/s/ H. Jeffrey Tabb*  
H. Jeffrey Tabb, Esquire  
8955-A Edmonston Road  
Greenbelt, Maryland 20770  
(301) 441-3636  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

*I hereby certify that on this 30th day of July, 2004, a copy of the foregoing **Response to Defendant Jan Rollon's Motion to Dismiss/Summary Judgment** was mailed postage prepaid, first-class to: Troy A. Priest, Esquire Brown, Diffenderffer & Kearney, LLP, Tide Building, Suite 300, 1010 Hull Street, Baltimore, Maryland 21230 and Neal M. Janey, Esquire, 10 North Calvert Street, Suite 722, Baltimore, Maryland 21202.*

*/s/ H. Jeffrey Tabb  
H. Jeffrey Tabb*

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**ORDER**

*Upon consideration of the Defendant Jan Rollon's Motion to Dismiss and Motion for Summary Judgment and the Plaintiff's opposition thereto, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2004,*

*ORDERED, that the Defendant Jan Rollon's Motion to Dismiss and Motion for Summary Judgment is denied.*

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*William D. Quarles, Jr.  
United States District Judge*

*cc: Troy A. Priest, Esquire  
Brown, Diffenderffer & Kearney, LLP  
Tide Building, Suite 300, 1010 Hull Street  
Baltimore, Maryland 21230*

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